

**Title 2—DEPARTMENT OF
AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules**

EMERGENCY RULE

2 CSR 70-14.110 Hemp monitoring system records to be maintained for manufacture, storage, testing, and distribution of hemp and hemp extract.

PURPOSE: Establishes the requirement to maintain records pertaining to the manufacture, storage, testing, and distribution of hemp and hemp extract.

*EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, peace and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (“MDA”) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014 and expires April 15, 2015.*

- 1) All records and hemp monitoring system data shall be kept and maintained for a period of three (3) years.
- 2) All records and hemp monitoring system data shall be available for inspection and auditing at a reasonable time during regular business hours or, upon request in writing, the director shall be furnished a copy of these records and/or data within ten (10) working days of receipt of request.
- 3) Licensed cultivation and production facilities must keep and maintain hemp monitoring system data relating to production, manufacture, storage, testing, and distribution of hemp and hemp extract.

- a) Hemp cultivation and production records shall include:
 - i) Hemp variety planted and planting date(s).
 - ii) Crop inputs (fertilizers, soil conditioners/amendments, and pesticides) used, dates of use, and name of user.
 - (1) Trade name of products used.
 - (2) Amount of each product used.
 - (3) EPA Registration Number of pesticide labeled for use on hemp.
 - iii) Target pest(s).
 - iv) Integrated Pest Management practices used in controlling pest(s).
 - v) Date of harvest.
 - vi) Lot number assigned and amount of harvested hemp.
 - vii) Total time hemp was held in storage prior to its use in manufacturing hemp extract.
 - viii) Percent of tetrahydrocannabinol (THC) per lot number as reported in the laboratory results of analysis for each hemp sample analyzed.
- b) Hemp extract processing and manufacturing records shall include:
 - i) Date of manufacture/processing.
 - ii) Hemp variety, lot number and amount of hemp used for each batch of hemp extract manufactured.
 - iii) Batch number.
 - iv) Type and name of any solvent or other compounds utilized in the manufacture of hemp extract.
 - v) Amount hemp extract processed or manufactured per batch.
 - vi) Date, batch number, and amount of hemp extract packaged and labeled.
 - vii) Detected pesticide active ingredients per batch number as reported in the laboratory results of analysis for all hemp extract samples analyzed.
- c) Hemp extract distribution records shall include:
 - i) Quantity and batch number(s).
 - ii) Date of distribution.
 - iii) Name and address of each recipient.
- 4) For each individual distribution of hemp extract, Cannabidiol Oil Care Center records of distribution shall include:
 - a) Name and address of registrant.
 - b) Name of minor child under registrant's care.
 - c) Registrant's hemp extract registration card number and date of expiration.
 - d) Distribution date.
 - e) Batch number and amount of packaged and labeled hemp extract distributed to the registrant.

AUTHORITY: Section 261.265, RSMo. Emergency rule filed October 8, 2014, effective October 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the Missouri Register.